

# Quid Novi



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## Gulf War is Unjust

by Kevin MacNeill, LLB I

Recently, the *Quid Novi* published a number of articles related to the Gulf war. This war is likely to have forced even the most apolitical among us to consider their feelings about it. Unfortunately, feelings do not always provide the best basis for political analysis. The *Quid* of Feb. 4 is the quintessence of some remarkably confused ideas about the war that are going about the Faculty.

One author put forward the assertion that we in the West should have foreseen that Saddam Hussein would never have ac-

cepted a peaceful solution because of his «Arab mentality». This reeks of the same nonsense that posits that many blacks are unemployed because they are «naturally lazy and stupid» or that «all Jews want to rule the world through an international banking conspiracy». Just what is human nature anyway? Until we can define it precisely in a way that applies to all humans, we should avoid relying on mediaeval assumptions when making our arguments.

Another writer, while making some correct points about the way our media dehumanizes and distorts what war really

is, demonstrates a misunderstanding of the dynamics of this war. For reasons unapparent, he suggests that Arabs in the region do not like having their homeland shot up by Americans - but that they would not mind if the U.N. did it! This type of thinking shows just how mistaken some of us are about what the U.N. has been historically, and what it will always be, by reason of the basis upon which it was founded - a do-nothing-talk-shop that only «works» when it is convenient for those superpowers capable of pulling its strings.

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## The Art of Falling Apart

by Richard Rosensweig, Nat. IV

It would be hard not to notice that our beloved faculty is falling apart. Not spiritually, or accidentally, but literally crumbling around us.

On January 17th, one day before Careers day, the common room turned into a sort of indoor Niagara Falls, with a steady dribble of water sprinkling the west side of the room. Luckily, the damage was confined to one part of the room and careers day was able to continue as long

as there was enough incense to cover up the revolting smell of wet wood.

The structural problems around the faculty are not confined to the common room. the outside of Old Chancellor Day Hall is reminiscent of Pompeii. On the veranda, the stairwell railings have deteriorated, some have even been replaced with metal which has deteriorated. The floor of the veranda has cracked and split. And the roof of the veranda has virtually no paint on it.

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# NEWS FROM THE OUTSIDE WORLD

by André Beaulieu, V.-P. Civil

Contrary to persistent rumours, the V.-P. Civil and his predecessors have not been working on the reform of the Civil Code. The people who have filled this position in the last few years, Gary Bell, Pierre Larouche, Evelyn Jerassy and yours truly, have been in fact dealing with subjects much more endearing to the average law student: interviews, stages, and jobs.

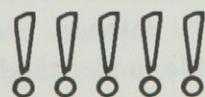
This year, a number of representations were made to "the powers that be" about the problems caused to students by the absence of recruiting regulations in Québec, and the ensuing anarchic mess. In particular, a special relationship has evolved between the Canadian Bar Association and C.A.D.E.D., the group of Law Student Associations from Québec and Ottawa (Civil). Last Wednesday, a committee of the C.B.A. was created to study the problem and to make recommendations by next September to the Québec (provincial) and Montréal Bar. The committee will include two student representatives, two members of the Jeune Barreau du Québec, representatives from Québec City, L'Association des Avocats de Province and recruiters from leading Montréal firms. C.A.D.E.D., for its part, will be pushing for three principles: A fixed period in the year for interviews; a minimum number of dates during which offers must remain open; and a ban on stage (not job) offers to first year students.

The forming of the committee signals that Québec's recruiting chaos is no longer a "student problem" but a problem that affects firms and firm recruiters as

well. Nonetheless, while the committee prepares its report, we will need student input, and even the student members will need to be reminded of the law student's real preoccupations. If you have any ideas on this matter, if you want to share an 'interesting' recruiting experience, or if you have suggestions as to the rules that should be adopted, please get in touch with me.

On a different front, the executive of the C.B.A. will approve, this spring, the creation of a student section of the Association. The section will be set up along the lines of the organization of the other sections. It will have a president chosen in the spring/summer. It will have an annual budget approved in August. The section will, with the help of the different L.S.A.s, organize student events such as the province-wide career day to be held in Montréal on March 16th (more on that in the next edition of the QUID). The coming of the student section, given the fact that already about 1000 Québec law students are members of the C.B.A., will provide new channels of communications between the law schools and the profession, in general.

Neither of these two new developments will affect student life right away, but they will certainly make for a very exciting year in 1991-92 (exciting, that is, in relative terms, like about 20 minutes worth of Law Games).



## THE 1991 GRADUATION BALL

by Vincent Lesage, Graduation Committee Co-Chairperson

The nice people who take decisions for you have chosen the Faculty Club as the location for the 1991 Graduation Ball. In an effort to please as many people as possible the seven members of the committee made an informal survey before finalizing the plan. We hope that the following will be to your satisfaction.

The price of tickets will be \$50.00. Those of us with a good memory will notice a \$5.00 increase from last year. Students will be invited to a cocktail at 18:30 for one glass of Champagne (Bubbly Stuff) and Hors-d'oeuvres, on the house. The bar will be open for those in need of additional refreshment. May 2nd might be a very hot day; but it will close at 19:30 as dinner will then be served.

The menu includes Matane shrimps, followed by a choice of filet of lamb with herb mustard or salmon steak (for those who do not eat meat) as well as vegetables and dessert. In addition, about three glasses of wine are included in the ticket price.

The McGill Chamber String Quartet will entertain the feeding frenzy throughout the evening, until a disc jockey replaces it when dancing begins at approximately 22:00.

The nice manager of the Faculty Club will signal the end of the evening as we have planned at 2:00 am.

We have room for approximately 120 people. The tickets will go on sale after the spring break in the first week of March. Buy yours early as this wonderful evening may be your last in the company of your fellow graduates. Some will become judges, others lawyers, in-house counsels, maybe prisoners, or even one half of a matrimonial property régime. Before we dissipate ourselves into the future, let's all have a good time together.

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# The capacity to judge and freedom of expression

by Dorothy Finlay and Hélène Leblanc, BCL II

On the afternoon of Wednesday, January 30th, Mr. Doug Christie, defence counsel to, among others, Ernst Zundel and Jim Keegstra, gave a speech in Moot Court concerning the acceptable limits to freedom of expression.

A question that was frequently put to Mr. Christie was «Don't you agree that children should be protected from certain opinions because they do not have the education necessary to form a proper judgment?». This argument was put forward to justify limits to freedom of speech.

However, the reactions of the more vocal members of the audience proved to a frightening degree that education and intellectual capacity are not in themselves sufficient to form rational judgments. Many had formed an opinion long in advance; their minds were completely closed to any alternative viewpoints that would have led to an interesting discussion on the limits to freedom of speech.

As an example: the flyer circulating around Moot Court stating that the «larger issue» was Mr. Christie's political affiliations suggested that nothing Mr. Christie said on the issue could be taken seriously because his political ties, as alleged on the sheet, negated any opinion he might hold.

Moreover, it was disappointing to discover that many law students in the audience should have such difficulty in distinguishing between a defence lawyer and the «criminals» he defends. Should not these, of all people, understand that everyone, even the most reprehensible of criminals, has the right to defence coun-

sel in criminal proceedings against them? Clearly, their education did them no good in this regard.

As a final example, one individual who rose to make his statement was wearing a scarf which has become a well-known symbol for the Intifada. Two individuals said, in a tone of disgust: «Look, he's wearing a PLO scarf». To them, his opinion was obviously worthless. In this particular case, education went only so far as to inform those two gentlemen that the scarf was a Palestinian symbol; it did not go so far as to teach them that all points of view may have merit, and it is only by listening to them that we can determine whether or not, *in our opinion*, they in fact do.

Clearly, we sometimes disregard whatever education we have received, in favour of knee-jerk instinctual reactions. An argument can be made that this justifies limits because people are incapable by nature of making independent judgments. However, assuming this to be true, who will decide where the limits should be drawn? If none of us, even the most educated, can be completely impartial and rational, who indeed decides what should and should not be heard?

If we as educated people can react this way, then limits on freedom of speech would become unnecessary. Clearly we already have our own internal limits: an automatic shut-down mechanism within our minds that refuses to let in opinions that we find *prima facie* undesirable.

The members of the audience in Moot Court on Wednesday afternoon are the people that will one day be leading Canadian society. It is for us especially to keep our minds open and to consider all points of view.

# The dangers of personal involvement

by Brian Fell

I used to work as an ambulance attendant and I knew this other guy who performed competently under stress. When the family and friends of his patients were freaking, he stayed calm and got the job done. He always hoped that he would get the call if someone dear to him were in trouble. He figured he'd do the best job because he cared the most.

Then one day he got his wish. He had to get his father to the emergency room, and fast. After handing his father over to the care of the emergency room staff, he went to the toilette, locked the door, and had a good cry. He had never done that for any of his patients. He had also made some mistakes with his father that he normally wouldn't have made. The truth was, he had panicked. He eventually came to grips with the fact that he perhaps wasn't the best person to deal with the medical crises of those he loved.

Ça nous arrive tous quand un événement nous touche de trop près. Bien que l'on souhaite tellement se comporter de façon exemplaire, on ne fonctionne pas au maximum de notre efficacité. J'ai remarqué ce phénomène dans la faculté il y a quelques semaines pendant les jours précédant et suivant la visite de Doug Christie. Quelque chose chez Mr. Christie nous rendait mal à l'aise, et des gens qui normalement se vantent d'être impartiaux, rationnels, logiques, etc..., l'étaient soudain beaucoup moins.

When I started my studies here, one of my major criticisms of lawyers, legal scholars, judges, etc..., was that they tried to hold themselves aloof from the rest of human experience. Well, now I've seen what happens when they don't and it's not pretty. Revealing. In a word, that's what Doug Christie's visit was. We saw that we are all human. To err is human and there was a lot of that going around this time.

Et alors? Nous devrions peut-être nous admettre qu'on risque de travailler moins bien quand on est personnellement impliqué dans une affaire et que de trop forts sentiments nous empêcheront peut-être de répondre aux circonstances de façon vraiment satisfaisante. On arrive presque à un conflit d'intérêts et l'on devrait par conséquent songer à se retirer ou à tout simplement se taire.

Consequently, after last week's events, I don't expect too much thoughtful discussion in the upcoming round of constitutional talks unless they're orchestrated by a disinterested third party, say, Costa Rica.

Oh yeah, that ambulance attendant I mentioned? He continued to be efficient in his work although he never again hoped to be on the scene when a loved one was in need of emergency medical care. And I know just how he feels. After all, it was I.

## Re: "The Faculty Needs a Part-time Program" by

**Rosemary Hnatuik, *Quid Novi*,**

by Hélène Schneider, LLB II

The above cited article calls for support for a part-time program at the Law Faculty. It describes the program available at the University of Manitoba and cites certain examples of people who ostensibly could benefit from such a program here.

I have two objections to the article. The first is that there was an inappropriate depiction of single parents as potential beneficiaries of a part-time program.

Single parents are not likely to benefit from such a program because they are not likely to be able to afford it. The Québec

government does not offer loans and bursaries for part-time studies, former spouses rarely provide enough financial support to live on (if anything at all), and parents generally stop paying once the expenses involved in raising you have passed the point of reasonable foreseeability. In addition to that, living expenses are quite high (raising children is expensive), and the number of additional years required to graduate would raise the cost of a degree beyond all accessibility.

My second objection is in the use of the single parent example to illustrate the alleged hardships of the full-time program. To begin, personal information should not be used without the consent of

**Jan. 28, 1991.**

the person concerned. It displays a grotesque lack of respect. It was also offensive to see the information misused to criticize the Faculty for not having a program in place which would not have helped in any case.

In addition, the obvious implication that single parents cannot handle a full-time load is more detrimental than helpful. It is not helpful in this context because part-time is not a feasible (and maybe not even desired) option, and it is detrimental because it is a false view which, if widely held, could (among other things) discourage some people from applying and/or prevent them from being seen as suitable candidates for admission to the Faculty.

### The Art of Falling Apart

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Perhaps the greatest threat to OCDH is the state of the roof. Many shingles are missing or corroded by pollution. All of the copper is rusty. The entire building is covered with black soot.

I could continue, but I believe the point is made - this faculty needs a face-lift. Moreover, this problem is not confined to OCDH. New Chancellor Day Hall has its problems as well.

Recognizing these problems is unfortunately not going to solve them - maybe nothing will. The University which owns the buildings does not have the money to fix them, it relies on the government. Currently the physical resources department is preparing a deferred maintenance

report on all McGill buildings, to present to the government this summer. No great expectations surround this process, the University is not predicting a great response from the province on this matter.

The faculty has been trying to get the University to fix certain things for up to seven years. Each year the faculty fills out request forms for physical maintenance and repairs. Not all requests are met. Physical resources will apportion part of the funds needed, and priorities as to what will be fixed (and what will not) will be set by the Dean. Priority is given to repairs going to safety, rather than cosmetic needs.

There are also problems associated with

the everyday tending to the building, which are too numerous to mention.

The point of all this is that something needs to be done. Neither the faculty nor the University has the money to restore OCDH to something approaching its former majesty. Furthermore, the government is not going to be overly generous.

Is there anything that students can do? Well, I don't think that a coffee house to raise money will do the trick. However, money can be raised. This faculty is both a resource and a symbol to the Canadian legal community. Moreover, many members of that community graduated from McGill. It may be time for both the faculty and the students to get creative about fund raising. Anybody interested?

### The Gulf War is Unjust

Cont'd from p.1

It seems some of us feel that when this war is over, there will be «tremendous pressure» on the U.S. not to go traipsing around the world starting more Vietnams, more Panamas and more Grenadas. This is simply naïve. If the U.S. wins this war, it will be a great step in the direction of future wars. Who will be there to stop them? How can we be sure that the same people who said that there would be military intervention regardless of the U.N.'s resolution will suddenly change in the wake of a massive military and political victory in the Gulf war? Before we start supporting the war on the grounds of U.N. sanction we have to be able to prove how the U.N. can deal with this question. Until we do, wrapping up pro-war statements in U.N. rhetoric is wrong.

But what about Saddam Hussein anyway? Some justify this war because he is brutal and poses a «military threat» in the region. To whom and what? Other western-backed dictators that treat their own citizens just as terribly as he? To Israel, the world's fourth largest (nuclear) power which itself poses a military threat to the region? To control of oil that

Hussein will have to sell on a glutted market anyway? Maybe.

Saddam is a rotten person, but on the proof so far he poses no more of a military threat to the world than the U.S. in Panama, Israel in Palestine, or the U.S.S.R. in Afghanistan. All of these examples involved one nation being overrun by another. It is immoral for us to try and rank how terrible one invasion is compared to the next. In fact, such selective choice lays bare any claim that this is a just war. It is no coincidence that an invasion in the most economically important part of the world gives way to a «just war» while other invasions invite, at the most, only verbal condemnation.

Saddam Hussein's verbal threats offer us no guarantee of how far he is able to go in the middle east. Moreover, given Iraq's finite resources and relatively small population, it is dubious he could make it very far anyway if western powers would quit arming him (now an altogether plausible situation). Any comparison of Iraq to the appeasement of Germany prior to WWII is objectively flawed - fascist Germany was definitely capable of taking and holding a whole continent. Iraq is not. Perhaps a better historical lesson we

should turn to is that of post WWI Weimar Germany: humiliated, economically destroyed and waiting for its next chance to fight back.

As lawyers, we will not convict a murderer unless guilt is proven beyond a reasonable doubt. Yet will we philosophically justify mass slaughter on a balance of probabilities? It is hypocrisy pure and simple to say that there is a principle of military deterrence («he's got chemical weapons!!!») involved in going to war with Iraq. Currently, the U.S.S.R. is turning back the clock to the days of Stalin. Can we not infer that there is a good probability that this nuclear power is slipping back to its war-mongering days and thus poses a potential threat ripe for nipping in the bud? We cannot say for sure. Just like we cannot say for sure what Hussein would have done if we did not attack Iraq. The point is that we cannot morally justify the *actual* killing of thousands of innocent people purely on *speculation* of where not fighting will lead us.

A continued military engagement in the region shows a glaring lack of imagination and disregard for human life. So

Cont'd on p.7

# CANADA'S INVOLVEMENT IN THE GULF WAR

by Jeffrey Nadler, BCL III

Not much is said about exactly what role Canada is playing in the Persian Gulf these days. However, we do know one thing... Canada's contribution to the Allied war effort must consist of something more than beer.

To date, Canada has sent 5500 troops to Saudi Arabia, 24 CF-18 fighter jets and 2 destroyers. One reliable source somewhere in the Middle East has told me, in confidence, that when Canada made its historical decision to join in the fighting, Saddam Hussein began to think seriously about pulling out of Kuwait. Up until then, no threat was posed.

Maybe the change in Saddam's attitude can be explained by the presence of Canada's two destroyers in the Persian Gulf. The issue of whether to send these ships, (the "Protector" and the "Voyageur"), sparked much heated debate in the Canadian Parliament. Mostly, the debate centered around the question of whether to send along the oars with these rowboats. But after a nationwide referendum, the oars as well as several army knives, imported from Switzerland, were sent to the Gulf.

Canada has recently set up a M\*A\*S\*H

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does supporting it. How dare we coldly calculate that what is best for a region full of human beings is to bomb it into the ground. Opposing this war does not mean ignoring the existence of a serious problem in the Gulf. As a matter of fact, it is the first serious step in recognizing that there is one and that the time has come to deal with it. There is no concrete evidence that a bloody war will solve anything. In fact, it is the surest path to the next conflict. We can do better than this.

unit near the Iraqi border. Although the doctors are Canadian, the tent material and all the medical equipment are British. This led to a mini-war with our mercantilist father over the question of which country's flag should appear above the tent. Amidst all the killing and bombs, is this really important? Needless to say, after a lot of tea dumping in the St. Lawrence River, Canada won out.

One article in the Montreal Gazette happened to catch my eye. The title of the article was, "Canada's first 'dogfight' is close call." The opening paragraph read as follows: «Canada's first dogfight over the Persian Gulf ended in a close call yesterday as a Canadian CF-18 pilot flew within 300 metres of another fighter before identifying it as a U.S. F-18 Hornet.» Ooo... that was close. Now we're really battle hardened!

All kidding aside, though, Canada is certainly not militarily-strong. Yet, large military spending is just not required when you are located right above the U.S. Canada knows that if it is ever attacked, it is in both Canada and the U.S.' interest that the U.S. would protect its neighbour. All this talk (and laughs) about Canada's military distorts the true picture... that Canada is the U.S.' most sincere friend and neighbour. This interdependence can readily be seen in the role the Canadian CF-18 fighter jets are playing in the air campaign over Iraq. These jets act as escorts for the U.S. bombers. As bombers lack defensive weapons, they require escort fighter jets as protection in case they encounter hostile enemy fire.

You might want to argue that Canada's involvement in the Gulf War is merely symbolic, i.e. to have another country's name tacked onto the allied war effort. I don't happen to see Canada in that light.

I see her as a country, who despite much internal debate and protest, has decided to join the war effort whole-heartedly. "...WE STAND ON GUARD, OH CANADA, WE STAND ON GUARD FOR THEE". (now let the hockey game begin).

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## LSA/AED ELECTIONS 1991

by Brian Fell (Président des élections/  
Chief returning officer)

The real challenge is to make this column interesting. Let's see, how about:

«Let it hereby be known that in my capacity as Chief Electoral Officer of the Law Students' Association of McGill University, it is my duty to inform you that...»

No, no, no. Nobody'll run for office if I do it that way. Maybe if...

Hé les boys et girls! Les élections de l'AED s'en viennent! Ça sera super le fun! Écoutez, les positions «up for grabs» sur l'exécutif seront: Président(e) (de tout le kit), et tout un tas de vice-président(e)s, notamment: affaires administratives, droit civil, common law, affaires extérieures, affaires financières et coordonateur(trice) des activités sociales.

Dig this: positions on the new improved, hold-on-to-your-summary Legislative Council will be: 4 members of the Faculty Council, 5 Class presidents, Athletic coordinator, and Representative to the Senate. If, like me, you had no idea these positions even existed and would like to know what work and fringe benefits go along with the titles, truck on down to the LSA office and ask anybody except me. I got this job 'cause I'm too out of touch to be partisan.

La période de mise en nomination débute lundi le 4 mars à 0h00 (si quelques «keeners» sont réveillés à cette heure-là). Le Quid Novi acceptera jusqu'à midi les programmes et promesses de ceux qui veulent bien en soumettre (max: 250 mots). La date limite pour soumettre sa candidature est le mercredi 6 mars à 17h00. La campagne électorale commencera le mardi 12 mars à 0h00 pour se terminer le mercredi 13 mars à 23h00. Il

y aura peut-être même un débat si on peut trouver un sujet de discussion. Le vote se tiendra jeudi le 14 mars de 9h00 à 17h00. La journée de l'élection, nous aurons besoin de bénévoles pour surveiller le déroulement du scrutin et compter les bulletins de vote à la fin de la journée (bière gratuite).

The rules for all of the above will be announced at the time-and-place-yet-to-be-announced ALL CANDIDATES MEETING where I'll be happy to refer all candidates' questions to someone else.

If you want in on the action next year but don't want the hassle of campaigning, the new executive will appoint members to various LSA committees soon after the election. Included are Social, Sports, Orientation, Careers, Yearbook, Computer and Facilities committees. Positions (usually on all-fours) will also be available on the Judicial Board and on Faculty Council committees. Electoral officers will also be chosen and they'll be able to fill the Quid with drivel like this a year from now. Requirements for these prestigious (that's a big word) titles vary, so boogie down and get hip to some misinformation ASAP.

Maintenant, un mot qui s'adresse tout spécialement aux étudiants de première année: N'hésitez pas à vous présenter pour ces positions. L'année passée, les «1ère années» se retrouvaient partout sur le bulletin de vote. Un d'eux avait même eu le front de se présenter au poste de président.

Finalement, je tiens à vous dire que j'espère que vous vous présenterez nombreux pour les postes. Bien que ça rende ma tâche plus facile, les acclamations sont surtout un signe d'apathie. Il faut pouvoir discuter de nos idées, de nos espoirs!!! Bonne chance!

**GREEN SPACE**

by Julie Abouchar, LLB III

The grass really is greener on the other side of those glass doors to the Dean's reception area. As a result of the efforts of Marie-Hélène DiLauro and the support staff of the Dean's office they have a more liveable and environmentally friendly work environment than the rest of us at the Faculty. For example:

The use of recycled paper is mandatory. They use lower wattage fluorescent light buylbs which save energy & produce less glare.

Reusable mugs and nylon lunch bags are the norm.

They have set up a staff-room which is equipped with a sink and detergent with which to clean their mugs properly. They have done away with sugar packets and tiny plastic milk containers.

They even have a resident promoter and seller of reusable diapers (see Linda Coughlin, Dean's Office x6606)

If you would like to see this green habit spread, join our committee to make the faculty more environmentally friendly. Faculty, students, staff, please leave your name in the Environmental Law Association pigeon hole at LSA, or contact me, Laura Farquharson, Karen Dunn, Jennifer Griffith, Nancy Morris, Lynn Prior, Diane Illing, Marie-Hélène DiLauro or Prof. Brunnée.

